

OCT 31 2005

ROBERT H. SHAWWELL, CLERK  
BY                      DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

ORAL GUY MORGAN

vs.

WARDEN CHEVALIER, ET AL.

CIVIL ACTION NO. 05-1591-A

**SECTION P**

JUDGE DRELL

MAGISTRATE JUDGE KIRK

## JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record;

IT IS ORDERED that this petition, to the extent that it has been construed as a petition for habeas corpus be **DENIED AND DISMISSED WITH PREJUDICE** since it plainly appears from the face of the petition that the petitioner is not entitled to relief;

IT IS FURTHER ORDERED that to the extent that the complaint may be construed as a Civil Rights Complaint, that it be **DISMISSED** as frivolous and for failing to state a claim for which relief may be granted in accordance with the provisions of 28 U.S.C. § 1915(d)(2)(b)(i) and (ii) and § 1915A(b)(1).

THUS DONE AND SIGNED, in chambers, in Alexandria, Louisiana, on this

31<sup>st</sup> day of October 2005

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE